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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 TODD MICHAEL SCHULTZ,
11 Plaintiff,
12
13 v.
14 MICHAEL C. THOMPSON, et al.,
15 Defendants.

No. 2:23-cv-10759-JAK (MRWx)

**ORDER TO SHOW CAUSE WHY
PLAINTIFF SHOULD NOT BE
DEEMED A VEXATIOUS LITIGANT**

1 On December 22, 2023, Plaintiff Todd Michael Schultz filed the most recent
2 action in a series of complaints related to his disputes with Defendants Michael C.
3 Thompson, Gregory R. Holmes, and YouTube LLC, although other defendants have
4 included the judge and two members of judicial staff who participated in Schultz's action
5 in the California Superior Court against Thompson, Holmes, and YouTube. Plaintiff
6 been repeatedly warned about filing plainly deficient pleadings and motions, but the
7 stream of filings has continued unabated. For the reasons stated below, Plaintiff is
8 **ORDERED TO SHOW CAUSE** why he should not be declared a vexatious litigant.

9 Central District of California Local Rule ("L.R.") 83-8 governs vexatious litigants.
10 Local Rule 83-8.3, "Findings," states that a vexatious litigant order "shall be based on a
11 finding that the litigant to whom the order is issued has abused the Court's process and is
12 likely to continue such abuse, unless protective measures are taken." *See* L.R. 83-8.3. It
13 is determined, as discussed more fully below, that Plaintiff has abused the Court's
14 process and is likely to continue such abuse, unless protective measures are taken.

15 District courts should enter a pre-filing order only after a "cautious review of the
16 pertinent circumstances." *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th
17 Cir. 2007). Accordingly, the Ninth Circuit has set forth four factors that a court must
18 examine before issuing a pre-filing order on a finding that a litigant is vexatious:

19 [F]lagrant abuse of the judicial process cannot be tolerated because it
20 enables one person to preempt the use of judicial time that properly could
21 be used to consider the meritorious claims of other litigants. Thus, [we
22 have] outlined four factors for district courts to examine before entering
23 pre-filing orders. First, the litigant must be given notice and a chance to be
24 heard before the order is entered. Second, the district court must compile an
25 adequate record for review. Third, the district court must make substantive
26 findings about the frivolous or harassing nature of the plaintiff's litigation.

1 Finally, the vexatious litigant order must be narrowly tailored to closely fit
2 the specific vice encountered.

3 *Id.* (internal quotations and citations omitted).

4 *First*, the Court hereby notifies Plaintiff that it is considering recommending that
5 Plaintiff be deemed a vexatious litigant for the reasons set forth more fully below. As
6 discussed below, Plaintiff must file a written response to this Order within 21 days of the
7 date of this Order explaining why he should not be deemed a vexatious litigant.

8 *Second*, Plaintiff is expressly notified that the following cases and filings
9 demonstrate a pattern of frivolous and harassing filings by Plaintiff in this Court.

- 10 1. In *Schultz v. Thompson*, Case No. 23-cv-03452-JAK-MRW (C.D. Cal. Oct.
11 4, 2023), Plaintiff filed five different complaints, each of which raised many
12 frivolous and extraneous issues, each of which was nearly impossible to
13 understand, none of which made it possible to identify the claims that
14 Plaintiff sought to bring, none of which came close to providing a short and
15 plain statement of the claim showing that Plaintiff was entitled to relief, and
16 each of which was so vague and ambiguous that Defendants could not
17 reasonably have prepared a response. *See id.*, Dkts. 4, 12, 14, 27, 42.
- 18 2. In this action, *Schultz v. Thompson*, Case No. 23-cv-10759-JAK-MRW
19 (C.D. Cal. Dec. 22, 2023), Plaintiff has filed a Complaint of the same nature
20 as his pleadings in the prior action. *See* Dkt. 1.
- 21 3. In a related action, *Schultz v. Superior Ct. of Los Angeles*, Case No. 23-cv-
22 10715-JAK-DTB (C.D. Cal. Dec. 20, 2023), Plaintiff filed a patently
23 frivolous Complaint against the bench officer providing over one of his
24 other lawsuits against Thompson, Holmes, and YouTube. *See* Dkt. 1. He
25 also named the Superior Court of Los Angeles and two court employees as
26 defendants. Like Plaintiff's other pleadings, the Complaint is nearly
27 incomprehensible. In addition, Plaintiff's claims, to the extent they can be
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1 ascertained, are clearly barred by judicial immunity. Even absent judicial
2 immunity, a clerk's weeklong delay in docketing a filing, Plaintiff's desire
3 that the Beverly Hills Courthouse staff provide more information about
4 filing procedures, and Plaintiff's perception that one court employee was
5 rude when she did not know the answer to one of Plaintiff's questions are
6 clearly not a basis for any cause of action. Plaintiff's contention that these
7 matters indicate that Judge Whitaker took bribes to impede Plaintiff's
8 litigation efforts is especially frivolous. The Complaint is also deficient in
9 several other respects. It appears that the Complaint was filed in bad faith
10 and for the purpose of harassing the bench officer presiding over Plaintiff's
11 case and the court employees assisting him.

- 12 4. In *Schultz v. Thompson*, Case No. 2:23-cv-03452-JAK-MRW (C.D. Cal.
13 Oct. 4, 2023), Plaintiff filed a number of frivolous or harassing motions.
14 They were frivolous and harassing, generally because they were filed on an
15 emergency basis in the absence of any type of emergency, sought sanctions
16 against opposing counsel without any rational basis, and/or sought
17 inappropriate relief. *See* Dkts. 1, 7, 34, 39, 43, 44, 48, 49, 58, 59, 60, 61, 62,
18 63, 67, 71, 73, 79, 83, 88, 89, 90, 94, 95, 96 (frivolous and harassing
19 motions filed by Schultz and orders ruling on them). They were also
20 frivolous and harassing for the reasons stated in item one above. They were
21 also frivolous and harassing due to the sheer number of meritless filings.
- 22 5. In this action, Plaintiff has filed three frivolous and harassing ex parte
23 applications. *See* Dkts. 12, 16, 17. Like many of Plaintiff's previous filings,
24 these are frivolous and harassing in that they were filed on an emergency
25 basis in the absence of any type of emergency, sought sanctions against
26 opposing counsel without any rational basis, and sought inappropriate relief.
27 *See* Dkts. 14, 18.

1 A pre-filing injunction is appropriate where a plaintiff's complaints are not only
2 numerous, but also patently without merit. *In re Oliver*, 682 F. 2d 443, 445 (3rd Cir.
3 1982). Although Plaintiff's filings meet this standard, the proposed remedy described
4 above is narrowly tailored to preempt Plaintiff's use of judicial time that properly could
5 be used to consider the meritorious claims of other litigants.

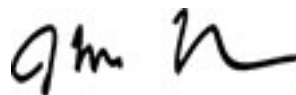
6 For the reasons stated above, Plaintiff is **ORDERED TO SHOW CAUSE** via a
7 written response within 21 days of the issuance of this Order why he should not be
8 declared a vexatious litigant.

9 Plaintiff is further cautioned that he may not avoid a vexatious litigant finding
10 merely by voluntarily dismissing any of the present cases, as "[e]ven when a plaintiff
11 voluntarily dismisses a case, this Court retains the inherent authority to issue orders on
12 matters collateral to the merits of the underlying case and to conduct sanction
13 proceedings and impose any sanction for abusive conduct authorized by the federal rules
14 of procedure or federal statutes." *Emrit v. Centers for Medicare & Medicaid Servs.*, 2015
15 WL 13738601, at *3 (D. Nev. June 16, 2015), *report and recommendation adopted*,
16 2016 WL 164992 (D. Nev. Jan. 14, 2016).

17 Plaintiff is expressly warned that failure to file a timely response to this Order will
18 result in the dismissal of this action with prejudice for failure to comply with Court
19 orders and failure to prosecute, and will similarly not preclude a vexatious litigant
20 finding. *See* Fed. R. Civ. P. 41(b). Accordingly, if Plaintiff wishes to avoid being
21 deemed a vexatious litigant, he must file a response to this Order explaining why the
22 prior pleadings and motions listed above are neither frivolous nor harassing.

23 **IT IS SO ORDERED.**

24
25 Dated: January 30, 2024



26 John A. Kronstadt

27 United States District Judge